

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

TRAVIS HUMPHREY,)	
)	
Petitioner,)	
)	
v.)	No. 4:22-cv-00012-TWP-DML
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

**ORDER DISMISSING § 2255 MOTION AND DIRECTING
ENTRY OF FINAL JUDGMENT**

This matter is before the Court on Petitioner Travis Lee Humphrey's ("Humphrey") Motion for Relief Under 28 U.S.C. § 2255. (Dkt. 1). Humphrey indicates that he is currently awaiting trial on state court charges in Crawford County, Indiana and he alleges numerous violations of his rights as a criminal defendant and as a pretrial detainee. *See id.*

Under § 2255, a prisoner in custody under sentence of a federal court may seek relief on grounds that "the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack." 28 U.S.C. § 2255(a). "If it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief, the judge must dismiss the motion and direct the clerk to notify the moving party." Rule 4(a), *Rules Governing § 2255 Proceedings for the U.S. District Courts*.

Humphrey's motion plainly shows that he is not entitled to relief under § 2255. He is not in custody under the sentence of a federal court—or of any court, for that matter. This action is

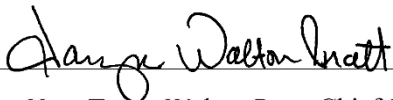
dismissed pursuant to Rule 4 for **lack of jurisdiction**. The **clerk is directed** to enter **final judgment**.

The **clerk is also directed** to include a form civil rights complaint with Mr. Humphrey's copy of this Order. If Mr. Humphrey believes he is being held under unconstitutional conditions, he may assert those claims in a civil action.

Humphrey's motion for leave to proceed *in forma pauperis*, dkt. [2], is **denied as moot** because no fee is necessary. *See* Rule 3 Advisory Committee Note, *Rules Governing § 2255 Proceedings* ("There is no filing fee required of a movant under these rules. This . . . is done to recognize specifically the nature of a § 2255 motion as being a continuation of the criminal case whose judgment is under attack.").

IT IS SO ORDERED.

Date: 3/2/2022


Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

Distribution:

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